SPEECH

OF

DANIEL WALLACE,

(OF SOUTH CAROLINA,)

ON

THE SLAVERY QUESTION:

DELIVERED

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

APRIL 8, 1850.

WASHINGTON:
GIDEON AND CO., PRINTERS.
1850.

SPEECH.

The House being in Committee of the Whole on the state of the Union,

Mr. WALLACE rose and said—

Mr. CHAIRMAN: Among the political questions which now demand our attention, none are more deserving the profound consideration of the American people than the questions of the non-extension and of the abolition of slavery. The bill now on your table affords me a fit occasion to express my views on these subjects, which now so fearfully agitate the public mind. I believe I shall be able to show that non-extension is but the means by which the abolition of slavery is intended to be accomplished. I shall therefore consider these subjects together, with the view to show the identity of their object and tendency.

The agitation of these questions has produced a state of excitement in the public mind unexampled in our history. Throughout a large section of the Union deep discontent prevails, and men calmly and sternly deliberate upon the means of saving themselves and their children from the intolerable wrongs which are impending over them. Confidence in this Government, to answer the ends of its formation, is rapidly giving way. We cannot, without being criminally guilty, close our eyes to the fact, that old political systems are viewed with profound and well-founded distrust, and the advantages of new ones, formed upon their ruins, openly and boldly discussed. This want of confidence in established systems is not confined to Europe; it is here in our midst also. The human mind asserts its freedom, and will no longer be deluded by the sanctity which the hallowed associations of the past have thrown around a name. The substance of things is now demanded, and this demand must be satisfied. To draw a faithful picture of the state of the Union in reference to these questions, is the duty now before me.

The first step towards the restrictions of slavery was the enactment of the ordinance of 1787, the sixth article of which reads as follows:

"There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitives may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

In the Federal Convention which framed the Constitution, the Southern States prescribed the terms upon which alone they would agree to become parties to it. They demanded that the proviso in this ordinance, for the surrender of fugitives from labor, should become a part of the Constitution.

They also demanded that persons held to service should be represented in Congress; and, to effect this object, the following clause was inserted in the Constitution:

"Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons.*"

These clauses constitute the guaranties which the Southern States demanded before they would consent to enter into the Union, and without which the Union never would have been formed. They are fundamental conditions of the compact which was formed between the North and the South in reference to the great question now at issue between them. With what fidelity the North have kept that compact, I will now proceed to show.

The ordinance of 1787 shadowed forth the policy which the North are now pursuing. The intention is now avowed to restrict slavery to its present limits, with the view to ultimate abolition in the States.

The Missouri compromise was another act in the same drama—the accomplishment of another part of the same scheme. In that compromise the North agreed that the line of 36° 30′ north latitude should forever divide the slaveholding from the non-slaveholding States. This compromise embraced all the territory acquired in 1803 by the treaty of Paris. In this territory slavery prevailed every where, but was abolished north of the compromise line. The North now repudiate that compromise, and are impatient to spread upon the record more conclusive evidence, if it were wanting, to establish the fact, that no constitutions, no compromises, no compacts, or solemn engagements, into which they enter upon this question—no matter how binding in law or conscience, or how solemn the form and ceremonial of their execution—can bind them to the observance of their obligations any longer than suits their own purposes. The ordinance of 1787 provided for the surrender of fugitives from service. In the Constitution this provision was reaffirmed in solemn form. The same compact was expressly recognised in the Missouri compromise as applicable to free States to be formed out of the Louisiana territory. Thus has this fundamental law been three times affirmed, at three successive epochs in our history, and as often violated and disregarded.

The expression "delivering up fugitives," is a technical term in the law of nations, and is often used in extradition treaties. It is twice used in the Constitution—once in relation to fugitives from justice, and once in relation to fugitives from labor. In its technical meaning, it imposes an obligation on the State in which the fugitive is found, to take active measures for his redelivery to his owner; or, if a fugitive from justice, to the State having jurisdiction of the crime for which he fled. Up to the time of the Missouri compromise, nearly all the Northern States had passed laws to carry out, in good faith, this provision of the Constitution, and the fugitive from labor was provided for in the same statutes which provided for the delivery up of fugitives from justice. But as the scheme of abolition advanced towards the ends to be accomplished, another policy was adopted. These statutes were repealed, and a large majority of the Northern States have since passed laws to prevent the redelivery of fugitives from service. This is the abolition policy to which the States of the North are committed by the acts of their legislatures, in open violation of the Constitution.

I repeat, that a design is now avowed to restrict slavery to its present limits, with the view to its final abolition in the States. To show that proofs are abundant upon this subject, I call the attention of the committee to a speech lately delivered here by a member from Pennsylvania, (Mr. Stevens.) He first quotes from a speech of Mr. Meade, of Virginia. "If," said Mr. Meade, we intend to submit to the policy of confining the slaves within their present limits, we should commence forthwith the work of gradual emancipation. It is an easier task for us than for our children." The member next repeats a remark from the speech of Mr. Hilliard, of Alabama. "We must," said Mr. Hilliard, "make up our minds to resist the interdiction of the progress of slavery, or to submit to an organic change in our institutions." In reply to these remarks of Mr. Meade and Mr. Hilliard, the member from Pennsylvania exultingly exclaims:

"Yes, sir; this admitted result is, to my mind, one of the most agreeable consequences of the legitimate restriction of slavery. Confine this malady within its present limits, surround it by a cordon of freemen that it cannot spread, and in less than twenty-five years every slaveholding State in this Union will have on its statute books a law for the gradual and final extinction of slavery. Then will have been consummated the fondest wishes of every patriot's heart. Then will our fair country be glorious indeed; and be to posterity a bright example of the true principles of government—of universal freedom.

"I am opposed to the extension of slavery into Territories, now free, for still graver reasons, because I am opposed to despotism throughout the world. I admit that this Government cannot preach a crusade of liberty into other States and nations; much as she abhors tyrants and

tyranny, there she can only mourn over its existence. But when the question of government is within her own control, and she permits despotism to exist, and aids its diffusion, she is responsible for it in the face of the civilized world and before the God of Liberty."

In these sentiments, often repeated here, the end and aim of all this slavery restriction, this free-soil and abolition agitation, may be clearly seen. The member from Pennsylvania sends forth the rallying cry to the abolition legions of the North to press forward to the accomplishment of this great scheme of slavery restriction, with a view to its final abolition in the States. "Surround them with a cordon of freemen," says he, "so that slavery cannot spread, and in less than twenty-five years every slaveholding State in this Union will have on its statute books a law for the gradual and final extinction of slavery."

Sir, this avowal of the ultimate design of the free-soil scheme does not disclose to me any new phase, in the controversy between North and South. I have heretofore warned the people I represent, that it is the design of the majority of the North to accomplish the end announced by the member from Pennsylvania—that is, to surround the slave States by a cordon of free States; to confine them to their present limits; and more still, to circumscribe these limits, by driving in the outposts of slavery in the border States, with the view to the final abolition of slavery, and until the South, hemmed in on all sides, is reduced to the condition now exhibited by St. Domingo. This is the abolition scheme, of which non-extension is but the means to accomplish the end.

To obtain the control of every department of the Government, to enable them to effect their designs, it was first necessary to provide for the united action of a majority in both Houses of Congress, and to elect a President who would repudiate the veto power. Both these preliminary steps have been accomplished. Gradually the work of uniting all parties at the North up to a well-defined geographical line has been going on. Any public functionary who dared to accord justice to the South soon found a political grave. Ex-Presidents have entered the lists of free-soil, and contended for the prize offered by the inscriptions upon its banner, as did the kings of the East in the Olympic games. Down with slavery was the battle-cry, which has rallied the legions of these crusaders. True, they march to the field of action under banners slightly differing in device; but when once there, Whig, Democrat, Abolitionist, and Free-soiler, all unite in one grand army for the overthrow of slavery. Every aspirant for political honors has learned, that to denounce the South, and preach deliverance to the slave, is the only road to political distinction. And however much the different organizations of party may differ on minor questions of public policy, upon non-extension they all agree. On this subject there is but one party and one policy. As far, therefore, as this question is concerned, how does the Northern Whig differ from the Northern Democrat, or how does the Free-soiler and Abolitionist differ from either? Do not all give their aid to the great scheme of ultimate abolition, by pressing forward the scheme of non-extension? Did not all vote for the Wilmot proviso, with three or four exceptions, while it was a practical question? Are not all now in favor of the admission of California, and that, too, for the reason that the Wilmot proviso is engrafted in, and constitutes a part of, her so-called fundamental law, and that her admission into the Union thus becomes a part of the scheme of non-extension, and therefore of ultimate abolition! And what is it worth to us, if some do it reluctantly?

This union of incompatible elements, up to the geographical line which divides the North from the South, accomplishes one essential purpose, which all have in view. It gives the North a decisive majority in both Houses of Congress. There is, therefore, but one obstacle in the way of the absolute power of this majority, and that is the Constitution. But, sir, power is never restrained by written laws. Having secured the necessary majority, the next

step is, to remove every obstacle which impedes its action. For this purpose, the Constitution must be overthrown, and the will of the majority substituted in its stead.

We have thus arrived at a new era in our political history. The time has come when the question must be decided, as was said by the gentleman from Georgia, (Mr. TOOMBS,) how far written constitutions can protect the rights of a minority against the usurpations of a reckless majority. There must be a veto power somewhere. If the President refuses to discharge his constitutional duties, the minority of States must exercise it for themselves, or their liberty will be destroyed.

To suit this new political system, a new vocabulary is being formed, and a catalogue of ideas, heretofore unknown, are brought to our consideration. At one time it was conceded, by the highest authority, that a State of this Confederacy can peaceably secede from it. Upon this subject Mr. Madison said, in the debates on the Federal Constitution:

"It has been alleged, that the Confederation having been formed by unanimous consent, could be dissolved by unanimous consent only. Does this doctrine result from the nature of compacts? Does it arise from any particular stipulation in the Articles of Confederation? If we consider the Federal Union as analogous to the fundamental compact, by which individuals compose one society, and which must, in its theoretic origin, at least, have been the unanimous act of the component members, it cannot be said that no dissolution of the compact can be effected without unanimous consent. A breach of the fundamental principles of the compact, by a part of the society, would certainly absolve the other part from their obligations to it. If the breach of any article, by any of the parties, does not set the others at liberty, it is because the contrary is implied in the compact itself, and particularly in that law of it which gives an indefinite authority to the majority to bind the whole in all cases. This latter circumstance shows, that we are not to consider the Federal Union as analogous to the social compact of individuals, for if it were so, a majority would have a right to bind the rest, and even to form a new constitution for the whole, which the gentleman from New Jersey (Mr. PATTERSON) would be among the last to admit. If we consider the Federal Union as analogous, not to the social compacts among individual men, but to the conventions among individual States, what is the doctrine resulting from these conventions? Clearly, according to the expositors of the law of nations, that a breach of any one article by any one party, leaves all the other parties at liberty to consider the whole convention as dissolved."

The convention of the State of Virginia, which met to ratify the Federal Constitution, in the terms of ratification used the following language:

"We, the delegates of the people of Virginia, duly elected, in pursuance of a recommendation from the General Assembly, now met in convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared, as well as the most mature deliberation hath enabled us, to decide thereon, do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them and at their will. That, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified, by the Congress, by the Senate or House of Representatives, acting in any capacity; by the President, or any department or officer of the United States."

At the same period of time, a convention of the State of New York met to ratify the Constitution, which convention, in the terms of ratification, used the following language:

"We, the delegates of the people of the State of New York, duly elected and met in convention, having maturely considered the Constitution for the United States of America," "and having also seriously and deliberately considered the present situation of the United States, do declare and make known, that all power is originally vested in, and consequently derived from the people, and that government is instituted by them for their common interest, protection, and security;" "that the powers of government may be re-assumed by the people, whenever it shall become necessary for their happiness."

In the amendments to the Federal Constitution, proposed by the convention of the State of Virginia, that convention declared:

"That governments ought to be instituted for the common benefit, protection, and security of the people, and that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind."

The convention of the State of North Carolina, assembled under the same circumstances, made the following declaration in their bill of rights:

"That government ought to be instituted for the common benefit, protection, and security of the people, and that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind."

Sir, thus spoke the men who framed the Constitution under which we have so long lived and acted; and with these declarations, and this understanding of the meaning and theory of our republican system, the Federal Constitution was ratified. The sovereign parties to the compact of union, at the moment they formed it, declared, in express terms—to which all the States assented—that they entered into the covenant with the understanding, that a breach of any one article, by any one party, leaves all the other parties at liberty to consider the whole dissolved; that they were at liberty to withdraw from it, and re-assume the powers granted whenever, in their judgment, it became necessary to their safety and happiness, and at the same time affirmed the right and duty to resist arbitrary power and oppression, and that the doctrine of non-resistance is absurd, slavish, and destructive of the good and happiness of mankind.

I have appealed to this venerable authoritative record, for the purpose of contrasting it with the doctrines of the majority who now control this Government. This majority have adopted, as principles of political action, a set of axioms directly at war with these fundamental doctrines of our republican fathers. These axioms are, that this Government is the sole judge of the extent of its own powers; that a majority, either within or without the Constitution, must govern in all cases whatsoever; that to the will of this majority, as expressed by their votes, the minority must submit; that a State—one or more—cannot peaceably secede from the Union, without the consent of the majority; that to attempt to do so is rebellion; that rebellion is treason against the General Government, to which all primary allegiance is due; that, as a consequence, the people of a State which should attempt to secede from the Union, would be rebels and traitors; that, being thus criminal, a resort by the President to the military power is the proper remedy to put down such rebellion, and thereby preserve the Union by force of arms, and enforce the will of the majority by the sword. These doctrines are continually avowed here in debate. Let me call the attention of this committee to the concluding paragraph of a speech lately made by the gentleman from Illinois, (Mr. BISSELL,) calling himself a Democrat: "Illinois," said he, "proffered to the country nine regiments, to aid in the vindication of her rights in the war with Mexico; and should danger threaten the Union, from any source, or in any quarter—in the North or in the South—she will be ready to furnish twice, thrice, yes, four times that number, to march where that danger may be—to return when it is passed, or return no more."

Let me not be misunderstood by the House or the country. This tirade of the member from Illinois is extremely harmless; and, under ordinary circumstances, would excite a smile only. But when viewed in its true light, as one of the signs of the times, indicating clearly the fact, that the independence of the States is denied, and that this Government is, in fact, no longer a confederated Republic of sovereign and equal States, but a consolidated despotism, and that its edicts are to be enforced by the sword; then, this declamatory display of the member from Illinois assumes a degree of importance not intended, perhaps, and should arouse the people of the South to a united and determined resistance.

But this is not all. The gentleman from Massachusetts, (Mr. MANN,) in a recent speech—a speech characterized by a spirit of ferocity and malignity never surpassed in parliamentary history—used the following language, in reply to some remarks lately made by Governor Troup, of Georgia, in a letter to a friend:

"Mr. Chairman, (said he,) such collision would be war; such forcible opposition to the Government would be treason. Its agents and abettors would be traitors. Wherever this rebellion rears its crest, martial law will be proclaimed, and those found with hostile arms in their hands must prepare for the felon's doom."

These are the doctrines of the majority, to which the people of the South are told they must submit, under the penalty of a felon's and a traitor's doom. The first object of this majority is, to obtain political power, with the view to bring it to bear upon the slavery question. Secondly, to provide for the perpetuity of that power in themselves; and, thirdly, to identify the persons upon whom that power may act. And thus the Constitution is overthrown, and the North becomes the tyrant and the South the victim.

The great scheme of non-extension is the means by which all this is to be accomplished. The majority are united upon this policy. There are now thirty States in the Union. Delaware may be classed with the North, with whom she fraternizes and acts. The North have now, therefore, thirty-two Senators, and the South twenty-eight; and in the popular branch of the Government, the North have a majority of forty-four Representatives.

Let us now look, for a moment, at the state of things which must prevail if the free-soil scheme be carried out. It is avowed that no more slave States shall be admitted into the Union, and that all the territorial districts shall be brought in as free States. If this be done, the inequality which now exists between North and South will be increased to an extent that will utterly destroy the balance of power between the two sections, and place the South at the mercy of the North.

I hold in my hand the 3d vol. Executive documents, 2d session 30th Congress, which contains an appendix to the annual report of the Commissioner of the General Land Office. By an examination of this report, it appears that the territorial districts of the United States contain a geographical area of 1,861,976 square miles. Of this vast extent of country, 262,729 square miles lie south, and 1,599,247 north of the line of 36° 30′ north latitude. The State of Ohio is a large average State, and contains, in round numbers, 40,000 square miles. If, then, the State of Ohio be taken as the basis of calculation, this territory will be found equal to forty-six States as large as Ohio. Of these States, six lie south, and forty north, of the Missouri compromise line. If the question now before the country was settled on the basis of the Missouri compromise—but which the North refuse to do—the North would have territory enough for forty new States, and the South six. The resolutions by which Texas was admitted into the Union provide, that four more States may, with the consent of Texas, be formed out of the territory of that State. This gives the South territory sufficient for ten new States; but if the free-soil scheme be carried out, then the North will have territory enough for forty-six new States, which, added to the old States, will make their whole number sixty-two States, while the South will have but eighteen.

This monstrous scheme of fraud and imposition upon the South does not stop here. It has connected with it another scheme, to dismember Texas, in order to restrict slavery, and swell the number of free States. The majority have assumed that the boundary of Texas in the south does not extend beyond the river Nueces, and that the country lying between that river and the Rio Grande belongs to the United States. This country contains an area of 52,018 square miles, and is therefore larger than the State of Pennsylvania.

My limits will not permit me to enter in detail into the merits of this boundary question, and I will only remark that, in my judgment, the right of Texas to the Rio Grand, as her southern and western boundary, and which was a fact and law established by the treaty of Guadalupe Hidalgo, can be shown to the satisfaction of any court of justice in the United States. This assumption of the majority, groundless as it is, constitutes an important element in the

abolition policy. It has a deep and portentous meaning. The territory to which this claim is set up, extends to the Gulf of Mexico. If the majority can succeed in annulling the claim of Texas to this country, and admit it into the Union as a free State, they will thereby perfect the whole non-extension scheme. The migration of African slaves along the Gulf shore will be cut off, and the cordon, to which the member from Pennsylvania alluded with so much satisfaction, will in fact be extended all around us.

Mr. Chairman, I am deeply impressed with the conviction that this picture is not overdrawn. To this result, this great development in the history of the country has been slowly, but surely, tending, ever since the enactment of the ordinance of 1787. This tendency was slow at first. Time is required to effect all great changes in the progress and destinies of States and Empires. The apparent cessation of this tendency, which took place between the time of the enactment of the ordinance of 1787 and the Missouri compromise, was but the time required for the growth of the new States; and time only is required now to accomplish the event. The wisest of our statesmen, at the formation of this Government, never saw as deep into the future as the present hour. But time has removed the veil which hid the present from their eyes, and he is blind indeed who cannot see now where this national development must end. The ordinance of 1787 constituted one epoch in the history of abolition development. The Missiouri compromise constituted a second, and was brought about by the progressive increase of the population of the northwest; and it is the further increase of this population, which now extends from the Atlantic to the Pacific ocean, which has brought on the struggle in which the two sections are now engaged, and which constitutes the third great epoch in its history. From the beginning until now, the non-extension policy has been gathering strength, as the population of the East, North, and West, increased, and we now rapidly approach the final result. All doubt and mystery in reference to the object and tendency of slavery restriction have passed away, and, freed from all disguises, the question now stands before us in all its importance and magnitude.

New States are growing up all around us, and the majority have declared, in advance, that slavery shall be excluded from them all. This tide of population—indoctrinated as it is with hostility to the institutions of the South, by lessons taught, from infancy to old age, in the nurseries and primary schools, by fulminations from the forums of abolition societies, by religious teachings from a thousand pulpits, and by the circulation of incendiary papers through the mails—is pouring into the territories of Minesota, Nebraska, Oregon, Deseret, California, and New Mexico. Some of these districts are now asking admission, and all will soon be incorporated into the Union. And as each new State is added, a reinforcement of Senators and Representatives will join the majority, making the inequality which now exists between the two sections still greater, and placing it in the power of the North to carry on the abolition scheme without check or hindrance.

I come now to the bill on your table, for the admission of California into the Union as a State.

This bill is designed to effect another great step in the progress of abolition, and if passed, cuts off the South from the Pacific ocean forever. It is here, without precedent or example in the history of this Government. Why is this? Why all this haste to bring this remote province into the Union as a State? Why is this Government called upon to abandon the practice which has prevailed, without material change, for nearly seventy years?

It will be remembered, that when the Union was formed, the United States, in their federative character, did not own a foot of land upon this continent. The public domain was owned by individual States, under grants from the

British crown. In 1780, the Congress passed a resolution recommending to the several States to cede their unappropriated lands to the United States. In October of the same year the Congress passed another resolution, in which it was

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress, shall be disposed of for the common benefit of the United States.

Agreeably to this recommendation, Virginia, in March, 1784, ceded to the United States the territory northwest of the Ohio river. In April following, resolutions for the government of this territory were passed, which were superseded by the ordinance of 1787, which ordinance continued of force until it was rendered inoperative by the admission into the Union of the States formed out of the Northwest Territory.

The State of Ohio was admitted in 1802, having been governed as a territory eighteen years. The State of Indiana was admitted in 1816, Illinois in 1818, Michigan in 1837, and Wisconsin in 1845, having been governed as territories thirty-two, thirty-four, fifty-three, and sixty-one years, respectively. These dates refer back to the resolutions of 1784. At intermediate periods, acts were passed by Congress, granting them the power to form local legislatures for their government—the acts of such legislatures to be subject to the approval of Congress. The States of Alabama and Mississippi are formed from territory ceded to the United States by South Carolina and Georgia. The State of Mississippi was admitted in 1817, and Alabama in 1819, both having been long governed as territories. Louisiana was purchased of France by the treaty of Paris, in 1803, and the State of Louisiana was admitted in 1812, after nine years of territorial pupilage. I deem it unnecessary to extend this examination. In what I have presented, the practice of the Government, from 1784 until now, will be clearly seen. In all the cases mentioned, and in all other cases of the same kind, the President appointed the governors and judges of each Territory, whose salaries were paid out of the public treasury of the United States. Preparatory to the admission of these Territories into the Union as States, Congress passed laws fixing their boundaries, directing a census of the inhabitants to be taken, authorizing each to meet in convention to form a State constitution, and prescribing the qualification of voters. In the case of Michigan, this rule was slightly varied, but which I will not stop to consider, for the reason that the case is not analogous to that now presented by California.

Sir, why was this practice at first deemed necessary? Because the jurisdiction and sovereignty, in and over all these territorial districts, were conveyed to the United States by the respective deeds of cession, and Congress was therefore bound to exercise jurisdiction over them, that they might be disposed of for the common benefit of the United States, and thereby fulfil the pledge made by Congress in the resolution of 10th October, 1780.

By the treaty of Guadalupe Hidalgo, the Territories of California and New Mexico were ceded to the United States; and Congress is bound, for the same reason, to exercise jurisdiction over them. By what authority, then, have the congregation of adventurers, from all nations, calling themselves the people of California, entered upon these lands, and appropriated to themselves the mineral wealth they contain, in derogation of the rights of the United States? By what authority have these trespassers upon the public property met in convention, formed what they call a State constitution, and sent their Senators and Representatives here, to ask admission into the Union? If they have the right under these circumstances to ask admission, have they not the same right to ask admission into the Union of Mexico, or annexation to the British empire, and thus to wrest this vast territory out of your hands, and place you under the necessity of reconquering it? Have they not, in setting up these

pretensions without authority from Congress, committed an act of manifest usurpation, disregarded your just authority, and taken from Congress the right to exercise exclusive jurisdiction over California? If they be remanded to the territorial condition, may they not declare their independence of this Government, and form political connection with any other power they may elect? If the doctrine of the absolute sovereignty of the inhabitants of a territory, previous to a grant of power to them by the General Government to form a State, which is the basis of this movement, be true, do not these results clearly follow? And is it not equally clear, that if it be true, Congress has no jurisdiction over them, and all acts heretofore passed by Congress for their government, have been but so many acts of usurpation? The error of all this doctrine is this: the fact is overlooked, that there is a period, during which the inhabitants of a territory *do not* possess the attributes of sovereignty. Will it be asserted that the conquered inhabitants of California were vested with absolute sovereignty the day after the execution of the late treaty with Mexico by which that territory was acquired? If so, is it not clear that the United States purchased only under the rule of *caveat emptor*, and, therefore, took nothing by the treaty? At what time, then, since the execution of the treaty, did the inhabitants of California acquire the attribute of sovereignty?

The true doctrine upon this subject was laid down by Mr. Lowndes, while acting as chairman of the committee to whom was referred the constitution of Missouri. In his report to the House of Representatives, he said:

"In this view the committee are confirmed, by a consideration of the embarrassments and disasters which a different course of proceeding might sometimes produce. When a people are authorized to form a State, and do so, the trammels of their territorial condition fall off. They have performed the act which makes them sovereign and independent."

This single paragraph, from the records of past legislation, explodes the political solecism, which has lately received so much attention in both ends of this Capitol, and to which the gentleman near me, from Ohio, (Mr. DISNEY,) on a a late occasion, brought much ability to little effect, by trying to prove a proposition which has no foundation either in reason or truth. The doctrine of absolute sovereignty in the inhabitants of a territory, in every petty province of a mother country, is repugnant to all past history. Were these States, as colonies, invested with it, while subject to the British crown? Are the existing provinces of that empire invested with it now? If so, the same sovereignty resides in every bandit in the mountains without the limits of a State; and, indeed, a condition of dependence cannot exist.

There must be an act, by which the condition of political dependence is thrown off, and independence assumed. In our system, this act is performed by the permission, and under the directions of the mother country, according to certain rules and maxims. In other countries it is done by revolution.

I return to the inquiry, why this haste of the inhabitants of California to take upon themselves the burdens of self-government? Why not enter into the territorial transition state, and let this Government extend its protection over them, until they become owners by purchase of the lands they inhabit, and able to protect themselves, and bear the burdens of self-government? Why not wait until the anarchy which prevails there now subsides into organic order, and their pretensions to the dignity and rights of an independent State be founded upon reasonable grounds? The answer to all these questions is plain. The movement is that of the Abolition party. It is another step towards the ultimate abolition of slavery in the States. California comes here with the Wilmot proviso in her so-called constitution, and this is the reason this act of usurpation is tolerated. Strike the Wilmot proviso from her constitution, and her application for admission will be rejected in forty-eight hours. California comes here, too, claiming a territory of 158,000 square miles—nearly

equal in extent to four of the largest States in the Union, with nearly a thousand miles of sea-coast—all of which it is intended to erect into one State; and the majority, in their zeal for non-extension, are in haste to sanction this monstrous absurdity.

Sir, when a dominant majority, intoxicated with the lust of power, are thus hurried on by a mad fanaticism to the commission of acts like these, marked as they are by want of all political forecast, all prudent and wise statesmanship, to an extent never surpassed in any age or country, upon what grounds can the South hope for an honorable and safe adjustment of this great question by this Government?

And yet, with all these facts before us, it is one of the darkest omens of the times, that Southern statesmen are tendering compromises, in all of which the propositions are, to surrender everything in dispute to the North, and put the rest in jeopardy. This is, in fact, but the ceremony of holding out the white flag of unconditional surrender to the conqueror. These compromises, if adopted, would be to give the enemy time to collect his forces, and extend his parallels around us, for the decisive moment, and to make the final defeat more disastrous and more signal. It is by this miserable policy of offering to take less than the Constitution gives us, that the Southern forces are divided, and the cause of the South broken down and ruined. It is an acknowledgment of weakness, and of inability to protect ourselves, which I repudiate and deny. Have the compromises heretofore made been respected and observed? Have they stayed the hand of the aggressor? What compromise can be made more binding, and that will command greater respect, than the Constitution? What compromise can be made that will not curtail the rights of the South, and which the abolition tide will not sweep away? Will despotism relent? Let the records of all past history answer.

Mr. Chairman, the facts which I have presented bring prominently to my mind other facts of the gravest importance, which are the result of the joint action of all the causes to which I have referred. These facts I will now proceed to state.

I have shown that the political parties north have united for the purpose of abolishing slavery. By this union of parties the Constitution is, *ipso facto*, repealed, and the Federal Government changed from a confederated republic of equal sovereign States to a consolidated despotism, with all political power centered in the hands of the majority. The abolition question has, therefore, wrought already a fundamental change in our political system, and the North, in order to free the African slave, have forged the chains of the most despotic and absolute political bondage for the white man.

All see that emancipation would be followed by enfranchisement of the black race, by placing it on a footing of equality with the white race. All must see, too, that the result of such equality would be strife and civil war between the two. The result of civil war would be the assumption by the North of umpirage between the conflicting parties, and the effect of this umpirage would be the subjection and utter debasement of both races at the South.

If every slave in the Union were emancipated now, would this majority lay down its lawless power upon the altar of the Constitution? Would its aggressive spirit cease with the extinction of African slavery? How fatal the delusion of such a thought—of such hopes and expectations! Can man change his nature, or lose his lust of power? Will he voluntarily exchange strength for weakness?

This is the picture which the past and the present concur in presenting to us. Can anything be plainer? Let the South look upon it, and decide for themselves the question of submission or resistance.

I have now presented what I believe to be a faithful picture of the state of

the Union, in reference to the great question which disturbs its repose and harmony. I have shown that the Federal Government has already undergone an organic change. That it claims to be the only judge of the extent of its own powers. That the States, according to the doctrine of the majority, are no longer independent. That the Constitution is virtually repealed.

I have shown that the North have united into one vast majority for the purpose of overthrowing the organic institutions in the Southern States. That the South cannot reasonably hope to check the majority, in its designs upon them, by the agency of this Government. That it is the avowed doctrine of the majority that the South must submit to their will, and if not, the military power must be resorted to, to reduce them to subjection. That the consequence of all this will be to reduce the people of the South to a condition of political degradation unexampled in any State or country.

It becomes, then, a subject for the gravest inquiry, what is the proper course of action for the South to adopt in this great emergency? This question cannot be decided here. It is a question which the people must decide for themselves, in their sovereign character.

If California be admitted into the Union now, and the South do not resort to every means in their power to assert and maintain their constitutional rights, there are well-founded apprehensions that it will be decisive against the South forever. In the hour that California becomes a State of this Union upon the conditions now demanded, the scheme of non-extension will, in effect, be consummated, and the results I have indicated will in time be accomplished.

The destiny of the people of the South is in their own hands. To make that destiny glorious, they have but to will it and do their duty. It is for the North, and not the South, to tremble at the prospect before us. I stand here with the Constitution in my hand, unappalled by the threats and denunciations which are daily fulminated here. All can see too plainly that these are idle bravadoes, designed to frighten us into submission. To these bravadoes, I respond only in terms of scorn and defiance. We ask that justice which the Constitution guaranties to us. If this be denied, then without counting the cost or looking to consequences, I am in favor of resistance to your tyranny, "at every hazard and to the last extremity." The people of the South know their duty, and will do it.